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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/060,247      | 02/01/2002  | Hiromi Yuasa         | 219138US2SRD        | 8893             |

22850 7590 04/21/2005

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EXAMINER

BERNATZ, KEVIN M

| ART UNIT | PAPER NUMBER |
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Commissioner for Patents

The information disclosure statement (IDS) submitted on February 22, 2005 was filed after the mailing date of the Notice of Allowance on November 29, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

To clarify the record, the Examiner notes that IDS reference JP 11-121832-A teaches overlapping CoFe alloy percentages for use in a CiP (current-in-plane) type structure, but teaches controlling the crystal orientation to be face-centered cubic (fcc) (see JPO Abstract and Figures). JP '832 A fails to teach or render obvious the unexpected results shown by applicants for a CoFe alloy meeting the claimed composition limitations used in a CPP (current perpendicular to plane) type structure and possessing a body-centered-cubic (bcc) crystal structure.

Likewise, the Examiner notes that JP 2001-094173-A teaches overlapping CoFe alloy percentages for use in a CPP type structure (i.e. a tunnel junction), but explicitly teaches away from using a bcc crystal structure (Paragraphs 0051 - 0052 of the Machine Translation). Therefore, JP 2001-094173 A fails to teach or render obvious the unexpected results shown by applicants for a CoFe alloy meeting the claimed composition limitations used in a CPP type structure and possessing a bcc crystal structure.

Kevin M. Bernatz, PhD  
Primary Examiner

Attachment: PTO-892

KMB  
April 15, 2005